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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/752,062	12/28/2000	David S. Bormann	42390P9736	7748

7590 09/29/2004

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EXAMINER

DU, THUAN N

ART UNIT PAPER NUMBER

2116

DATE MAILED: 09/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/752,062	BORMANN ET AL.	
	Examiner	Art Unit	
	Thuan N. Du	2116	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 July 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,5-7 and 9-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,5-7 and 9-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. It is hereby acknowledged that the following papers have been received and placed of record in the file: Amendment (dated 7/16/04).
2. Claims 3, 4 and 8 have been cancelled. Claims 1, 2, 5-7 and 9-15 are presented for examination.
3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
4. The rejections are respectfully maintained and reproduced infra for applicant's convenience.

Claim Objections

5. Claims 5 and 6 are objected to because of the following informalities: Claims 5 and 6 depend on a non-existing claim 24. Appropriate correction is required.

For the deletion of number "4", please use double bracket "[[]]" instead of strike through.

Claim Rejections - 35 USC § 103

6. Claims 1, 2, 5-7 and 9-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nyudou (U.S. Patent No. 6,496,507).
7. Regarding claim 1, Nyudou teaches a method comprising:

Art Unit: 2116

determining a power state of a first system (first storage section) [col. 5, lines 12-17; col. 8, lines 23-29; col. 12, lines 57-61], the power state to be one of at least a first (operating state) and second power states (standby state), the second power state to consume less power than the first power state (standby state always consume less power than operating state) [Fig. 5; col. 5, lines 12-17; col. 10, lines 25-33]; and

in response to the first system being in the second power state (when the first storage section is designated as a standby system), switching a link from the first system to a link with an autonomous subsystem (second storage section) [Fig. 5; col. 8, lines 23-39; col. 10, lines 23-33; col. 12, lines 52-61].

Nyudou does not explicitly teach the switching method is used for switching a PATA link. However, it would have been obvious to one of ordinary skill in the art at the time of the invention to apply the teachings of Nyudou (system control section, switching section) for switching the connection between any two systems.

8. Regarding claim 2, Nyudou teaches that the power states of the system are ON state [operating] and standby state [standby]. Therefore, the power states taught by Nyudou corresponding to ACPI S states.

9. Regarding claims 5 and 6, Nyudou teaches that switching to the first system if the ACPI state is S0 (on) [col. 10, lines 25-33], and switching to the subsystem if the ACPI state is S3 or S4 (standby) [col. 10, lines 25-33].

10. Regarding claim 7, Nyudou teaches the claimed method steps. Therefore, Nyudou teaches the instructions for carrying out the claimed method steps.

Art Unit: 2116

11. Regarding claims 9-15, Nyudou teaches the claimed method steps. Therefore, Nyudou teaches the apparatus to implement the claimed method steps.

Response to Argument

12. Applicant's arguments filed July 16, 2004 have been fully considered but they are not persuasive.

13. In the remarks, applicant argued in substance that Nyudou is limited to the determining if a power switch of a computer is in either off state or on state.

14. In response to applicant's argument, examiner respectfully disagrees with applicant's position. Nyudou clearly discloses a system switching control device which comprises a switching section, first and second systems, and a system control section, wherein the switching section executes system switching operation for changing its connection between the two systems (one system is designated as operating system and the other is designated as standby system) [abstract]. Therefore, Nyudou teaches the invention as claimed.

Conclusion

15. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period

Art Unit: 2116

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thuan N. Du whose telephone number is (703) 308-6292. The examiner can normally be reached on Monday-Friday: 9:00 AM - 5:30 PM, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynne H. Browne can be reached on (703) 308-1159.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

The fax number for the organization is (703) 872-9306.


LYNNE H. BROWNE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER-8800 2/00

Thuan N. Du
September 24, 2004